

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

NANCY CLARK §  
§  
v. § CIVIL CASE NO. 4:21-CV-966-SDJ  
§  
OUTBACK STEAKHOUSE OF §  
FLORIDA LLC, ET AL. §

**MEMORANDUM ADOPTING THE REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 19, 2022, the Report of the Magistrate Judge, (Dkt. #26), was entered containing proposed findings of fact and recommendations that Defendants Outback Steakhouse of Florida LLC d/b/a Outback Steakhouse and Bloomin Brands Inc.’s Rule 12(b)(6) Motion to Dismiss Negligence Claim, (Dkt. #13), be granted. Having assessed the Report, and no objections thereto having been timely filed, the Court determines that the Magistrate Judge’s Report should be adopted.

It is therefore **ORDERED** that Defendants Outback Steakhouse of Florida LLC d/b/a Outback Steakhouse and Bloomin Brands Inc.’s Rule 12(b)(6) Motion to Dismiss Negligence Claim, (Dkt. #13), is **GRANTED**. Plaintiff Nancy Clark’s claim for negligence is **DISMISSED**.

**So ORDERED and SIGNED this 10th day of June, 2022.**



SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE